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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/646,511 | 08/23/2003 | Garold B. Bimer II | 4007M | 9665 |

7590

11/15/2004

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| EXAMINER |
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REDMAN, JERRY E

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| ART UNIT | PAPER NUMBER |
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3634

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,511

Applicant(s)

BITNER, GAROLD B.

Examiner

Jerry Redman

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/23/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The applicant's information disclosure statement dated 8/23/2003 has been considered and a copy has been scanned.

Claims 2, 3, 6, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 2, line 2, it is not readily apparent to the Examiner if the applicant is claiming a bug barrier apparatus or a bug barrier apparatus in combination with a door. In claim 2, line 2, the applicant is clearly and positively claiming the door but in claim 1, the applicant fails to positively recite the door. If the applicant intends to claim the combination then the applicant should clearly and positively recite the barrier in combination with the door. In claim 6, line 3, the phraseology "frame-like" is indefinite and fails to positively recite the claimed invention. Is it a frame or not? In claim 8, lines 1-2, the phraseology "comprised of foam, double stick, adhesive tapes" is not readily understood by the Examiner. What is the difference between "adhesive tapes" and "adhesive strips"? Does the applicant mean that the adhesive tapes (or strips) comprised of double-stick foam? \

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Murase et al. As shown in Figure 14, Murase et al. disclose a bug barrier apparatus comprising a sliding door (55), a support member (labeled as 50 in Figure 12) having flexible bristles (49) connected to a bottom end of the support member (50), a door attachment means (projections 51), and a track (64) contacted by the flexible bristles (49) during sliding movement of the sliding door (55). The support member (50) further comprising a thru channel defined by a top end, a bottom end, and a pair of riser portions, which defines a four-sided configuration.


The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. in view of Patent application publication to Meizlish. All of the elements of the instant invention are discussed in detail above except providing the attachment means has double sided foam adhesive strips/tape. Patent application publication to Meizlish discloses a weatherstrip mounted via double-sided foam adhesive tape. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the support member of Murase et al. to be attached to the sliding door via double sided foam adhesive tape as taught by Meizlish since double sided foam adhesive tape allows one to easily mount and replace the support member along the edge of the sliding door.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Yanagizawa et al. disclose a sealing member attached to an edge of a sliding member and mounted via adhesive. As shown in Figure 10, U.S. patent to Trelle discloses a sliding panel having a sealing member adhesively attached similar to that of the applicant's invention. U.S. patent to Rich discloses a sealing apparatus attached to a leading edge of a sliding panel similar to that of the applicant's invention. French patent to Agostinho et al. disclose a sealing apparatus contacting a track similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.



Jerry Redman
Primary Examiner